

# NOTICE OF PROPOSED RULE ADOPTION

## STATE OF MISSISSIPPI

**Specific Legal Authority authorizing the promulgation of Rule:**

**Reference to Rules repealed, amended or suspended by the Proposed Rule :**

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:**

This rule is proposed as a ☐ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxers as applicable.)

**Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.**

**Oral Proceeding:** Check one box below:

☐ An oral proceeding is scheduled on this rule on Date:  
Place:

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least \_\_\_\_\_ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

☐ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

**Economic Impact Statement:** Check one box below:

☐ The agency has determined that an economic impact statement is not required for this rule, or

☐ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**Date Rule Proposed**

**Proposed Effective Date of Rule:**

\_\_\_\_\_  
**Signature and Title of Person Submitting Rule for Filing**

SOS FORM APA 001  
Effective Date 07/29/2005

**DRAFT OF PROPOSED RULE CHANGES - bolded and underlined = new language;  
stikeout = to be deleted**

## **RULE 4.0 - FEES**

**4.01 - Method of Payment** - Fees are payable to the "Mississippi State Board of Registered Professional Geologists," or "MSBRPG." Payment of fees must be made by check, ~~or money order,~~ **or via an approved credit/debit card and method acceptable to the Board.** ~~Checks returned for insufficient funds will result in an additional charge of thirty dollars (\$30.00).~~ Applications received without the proper fee will not be returned to the applicant.

**4.02 - Penalty for Late Renewal or Payment of Required Fees** - Failure on the part of any registrant or enrollee to renew their certificate in ~~the month following the lapse of their registration or enrollment~~ **January** shall not deprive such person of the right of renewal or ~~re-enrollment.~~ **All** ~~Registration, or enrollment, or application~~ fees not paid **and postmarked in January, or for other payment requests not received within thirty (30) days of the billing date** ~~within one (1) month of the date of expiration or payment request notice~~ will be ~~subject~~ **increased to Rule 4.03 \$20.00.** If registration ~~or, enrollment, or application~~ fees remain unpaid at the end of **February, or later, the fee schedule and conditions set forth in Rule 4.03 shall further apply.** **A registrant or enrollee whose registration or enrollment is** ~~sixty (60) days past the expiration date~~ **of January 1** ~~of registration, enrollment, or payment request the registrant, enrollee, or applicant will be required to~~ **may, at his/her option,** submit a new application for registration or enrollment along with all appropriate and required fees, **provide the Board with a letter noting his/her election, and** ~~Said person shall forfeit any previous fees. Additionally, an applicant applying for registration shall also be required to show proof, satisfactory to the Board, of their successful passage of both the ASBOG Fundamentals of Geology and the Practices of Geology examinations in order to be reconsidered for registration or renewal~~ **or re-enrollment.**

**4.03 - Fee Schedule** - Fees shall be in accordance with the following Fee Schedule.

The Board has adopted fees for the following items:

Registered Professional Geologist Application (Non-refundable) . . . . .	<del>\$95.00</del> <b><u>140.00</u></b>
Geologist-In-Training Application (Non-refundable) . . . . .	<del>\$50.00</del> <b><u>70.00</u></b>
Registered Professional Geologist Registration/ <b><u>Renewal</u></b> fee -	
<del>biennially</del> <b><u>annually</u></b> * . . . . .	<del>\$200.00</del> <b><u>150.00</u></b>
Geologist-In-Training Enrollment fee - <del>biennially</del> <b><u>annually</u></b> * . . . . .	<del>\$100.00</del> <b><u>75.00</u></b>
Fundamentals of Geology as an "Exit" Examination, see Rule 8,	
(Non-refundable) . . . . .	<del>\$150.00</del> <b><u>175.00</u></b>
Fundamentals of Geology Examination (Non-refundable) . . . . .	<del>\$150.00</del> <b><u>200.00</u></b>
Practices of Geology Examination (Non-refundable) . . . . .	<del>\$150.00</del> <b><u>200.00</u></b>
Test cancellation fee (due to illness, accident, etc. - <b><u>Board must be notified a minimum of 24 hours prior to the examination administration</u></b> ) . . . . .	<del>\$25.00</del> <b><u>40.00</u></b>

<u>Missed examination fee (includes failure to notify Board of non-attendance at examination offering or other non-essential absence - may also include forfeiture of examination fee)</u>	<u>\$50.00</u>
Returned, insufficient fund checks	<del>\$30.00</del> <u>\$40.00</u>
<u>Registration/Enrollment Verification fee</u>	<u>\$25.00</u>
<u>Verification and Transmittal of Certified ASBOG Examination Scores</u>	<u>\$25.00</u>
<u>Late Payment of other fees due Board (includes application fee and initial Renewal/Enrollment fee)</u>	<u>\$35.00/month</u>
<u>Late Payment of Registration or Enrollment renewals (payment postmarked after January 31 of renewal year but prior to March 1)</u>	<u>\$35.00*</u>

\* Registration Renewal and Enrollment Renewal fees are due on January 1 of each calendar year and are subject to a \$25.00 late fee if not postmarked by January 31. If payment is postmarked after January 31 and prior to March 1 a \$25.00 late fee shall be imposed.

Late payment fee schedule:

Reinstatement of Registration if renewal fee is postmarked after the end of February - only for those who grandfathered without ASBOG examinations, all others must contact the Board. Payment of annual fee plus the following late fee:

<u>March 1 - March 31</u>	<u>\$65.00</u>
<u>April 1 - April 30</u>	<u>\$95.00</u>
<u>May 1 - May 31</u>	<u>\$125.00</u>
<u>June 1 - June 30</u>	<u>\$155.00</u>
<u>July 1 in year of expiration and thereafter</u>	<u>\$195.00**</u>

\*\* Also requires submission of a new RPG application and payment of \$140.00 application fee

Reinstatement of Enrollment if renewal fee is postmarked after the end of February. Payment of annual enrollment fee plus the following late fee:

<u>March 1 - March 31</u>	<u>\$50.00</u>
<u>April 1 - April 30</u>	<u>\$75.00</u>
<u>May 1 - May 31</u>	<u>\$100.00</u>
<u>June 1 - June 30</u>	<u>\$125.00</u>
<u>July 1 in year of expiration and thereafter</u>	<u>\$150.00**</u>

\*\* Also requires submission of a new Enrollment application and payment of \$75.00 application fee

Note - All other fees and/or charges shall be administratively set, but not be limited to, the costs of material(s), labor, research, postage, and other reasonable expenses which may be incurred by the Board. Testing fees may be adjusted by the Board to cover costs associated with the administration of the examinations and/or charges imposed by ASBOG related to the purchase, maintenance, and use of said examinations. The Board's administrator reserves the right to withhold the release of any information authorized by the applicant, registrant, or enrollee if there are any outstanding, unpaid fees.

## **RULE 8.0 - EXAMINATIONS**

**8.05 - Authorized Materials in Examination Room** - ~~The examination booklet is prepared for use nationally and identifies material authorized for use. On the Fundamentals of Geology examination, applicants~~ Examinees may bring only pencils, engineering scales/rulers, protractors, and battery operated, non-printing, non-alpha numeric calculators into the exam site where the FG Exam ASBOG examinations will be administered issued at the beginning of the morning and afternoon exam sessions. All examinations ~~The exam~~ will be collected at the end of the exam~~ination~~ session. ~~Battery-operated, silent, non-printing calculators and/or slide rules will be permitted on all examinations. Computers~~ or laptops with word processing capabilities are not permitted nor are cellular telephones or any other technological devices that can record or transmit images or voice/sound in any format.

**8.07 - Failure to Attend an Examination** - In the event an applicant is unable to attend an examination to which he/she has previously agreed to attend, then the applicant must pay a cancellation fee (see Rule 4 - Fee Schedule). An applicant who fails to appear on the day of the examination will be charged a no-show fee. Non-attendance at an examination does not count as a failure of the examination. However, non-attendance at an examination session without previously providing the Board's Executive Director 24 hours in advance of the examination with a reason acceptable to the Director will result in the assessment of no-show fee and forfeiture of the examination fee.

## **BOARD RULE 11.0 -**

**11.05** - The following activities shall not require registration:

- a) Geological work performed by an employee or a subordinate of a registered professional geologist, if that work does not include responsible charge of geological work, and if the work is performed under the direct supervision of a registered professional geologist, who is responsible for that work; provided that the work nor the work related products do not state, portray or infer by any manner or suggestion whatsoever that the employee or subordinate is in responsible charge of the geology or geologic work. Any such geological work and/or work products must be conspicuously signed and sealed by the supervising registered professional geologist of that employee or subordinate.